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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91167237
Party	Defendant Wynn Resorts Holdings, LLC Wynn Resorts Holdings, LLC 3131 Las Vegas Blvd. South Las Vegas, NV 89109
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Submission	Answer
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Date	12/12/2005
Attachments	wynn_91167237.pdf ( 3 pages )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Venture Out Properties, LLC,

Opposer,

v.

Wynn Resorts Holdings, LLC,

Applicant.

Opposition No. 91167237

Mark: CABANA BAR & CASINO

Serial No. 78/475,098

**RESPONSE TO NOTICE OF OPPOSITION**

Wynn Resorts Holdings, LLC, ("Wynn" or "Applicant") hereby answers the Notice of Opposition ("Opposition") filed by Venture Out Properties, LLC ("Venture" or "Opposer"), which opposes Applicant's application, Serial No. 78/475,098 for the mark CABANA BAR & CASINO.

1. Answering Paragraphs 1, 2, 3, 4, 7, 8, 9, 26 and 27 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in such paragraphs and, therefore, denies such allegations.

2. Answering Paragraph 5, 6, 12, 18, 19, 20, 21, 22, 23, 24 and 25 of the Opposition, Applicant denies the allegations contained therein.

3. Answering Paragraphs 10, 11, 14 and 28 of the Opposition, Applicant admits and allegations contained therein.

4. Answering Paragraph 13 of the Opposition, Applicant admits Wynn Resorts seeks registration of the Mark Cabana Bar & Casino in a design, Serial No. 78/475,098 for casino services.

5. Answering Paragraph 15 of the Opposition, Applicant admits the print out from the U.S. Patent and Trademark Office website has information related to Applicant's Mark. Serial No. 78/475,098.

6. Answering Paragraph 16 of the Opposition, Applicant admits BAR & CASINO is in smaller font below "CABANA."

7. Answering Paragraph 17 of the Opposition, Applicant admits "CABANA" is in larger font above "BAR & CASINO."

8. Answering the "WHEREFORE" clause at the end of Opposer's Opposition, Applicant denies that Opposer is entitled to relief.

9. WHEREFORE, Applicant requests that the Opposition be denied.

**AFFIRMATIVE DEFENSES**

1. Applicant repeats, realleges and incorporates herein each and every allegation of the preceding paragraphs as if fully set forth herein.

2. Opposer's Opposition is barred under the doctrine of laches.

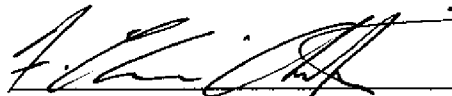
3. Opposer's Opposition is barred by the doctrine of estoppel.

4. Opposer's Opposition is barred by the doctrine of waiver.

5. Opposer's mark has not acquired fame.

DATED: December 12, 2005.

GREENBERG TRAURIG, LLP



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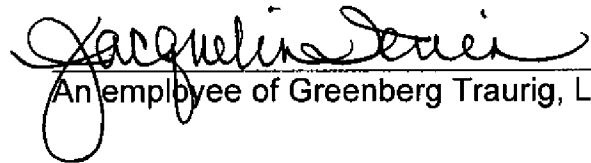
**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2005, I served the foregoing Response to Notice of Opposition on:

Martin E. Hsia  
Cades Schutte  
P.O. Box 939  
Honolulu, HI 96808  
Counsel for: Opposer

by causing a full, true, and correct copy thereof to be sent by the following indicated method or methods, on the date set forth below:

- ☒ by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Las Vegas, Nevada.
- ☐ by hand delivery.
- ☐ by sending via overnight courier in a sealed envelope.
- ☐ by faxing to the attorney at the fax number that is the last-known fax number.
- ☐ by electronic mail to the last known e-mail address.

  
An employee of Greenberg Traurig, LLP